

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 7/11/2024
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FRANCISCO TUY XEP, <i>on behalf of himself and all others</i>	:	
<i>similarly situated,</i>	:	
	:	
Plaintiff,	:	1:23-cv-450-GHW
	:	
-against-	:	
	:	<u>ORDER</u>
DE HOOP CORP, <i>doing business as Kaia Wine Bar, and</i>	:	
SUZAAN HAUPTFLEISCH,	:	
	:	
Defendants.	:	
	:	
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GREGORY H. WOODS, District Judge:

A bench trial in this matter will begin on **January 8, 2025 at 9:00 a.m.** The parties are directed to submit a joint pretrial order, memoranda of law,<sup>1</sup> and the other pretrial materials outlined in the Court's Individual Rule 5 no later than **October 16, 2024**. Opposition papers to any legal argument in a pretrial memorandum must be filed within seven days thereafter, and reply papers must be filed within four days of any opposition. Additionally, by **October 16, 2024**, the parties are directed to submit to the Court affidavits constituting the direct testimony of each trial witness, except for testimony of an adverse party, a person whose attendance must be compelled by subpoena, or a person for whom a party has requested and the Court has agreed to hear direct testimony during the trial. Three business days after submission of such affidavits, counsel for each party should submit a list of all affiants whom he or she intends to cross-examine at the trial. The original affidavits will be marked as exhibits at trial. The parties are directed to the Court's Individual Rule 5(D)(ii) for additional instructions regarding the submission of direct testimony by affidavit.

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<sup>1</sup> While submission of pretrial memoranda of law is optional under this Court's Individual Rule 5, in this case, the parties are specifically ordered to submit pretrial memoranda of law.

Any motions *in limine* must also be filed no later than **October 16, 2024**. As outlined in the Court's Individual Rule 5(B)(i), if any motions *in limine* are filed, opposition papers are due no later than seven days after the date of service of the motion. Reply papers, if any, are due no later than four days after the date of service of the opposition. Courtesy copies of motions *in limine* should be submitted when the motions are fully briefed; courtesy copies of all other trial materials are due when filed. Courtesy copies should be provided in hard copy and USB format.

The Court will hold a final pretrial conference in this case on **December 18, 2024 at 10:00 a.m.** to discuss the parties' pretrial submissions and, if necessary, to hear oral argument and potentially rule on any motions *in limine*. Both the final pretrial conference and the bench trial will be held in Courtroom 12C of the United States District Court for the Southern District of New York, Daniel Patrick Moynihan U.S. Courthouse at 500 Pearl Street, New York, New York 10007.

SO ORDERED.

Dated: July 11, 2024  
New York, New York

  
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GREGORY H. WOODS  
United States District Judge